



Yemen Parlaiment Watch



Yemen Polling Center
المركز اليمني لقياس الرأي العام

Report on the Yemeni Parliament's Performance December 2009 - April 2010 (1)



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The Yemen Parliament Watch Project

The Yemen Parliament Watch Project is an initiative which aims to enhance the capacity of Yemen's Parliament by providing a central hub of informational and training resources for Members of Parliament (MPs), civil society stakeholders, journalists, and the general public. The project, implemented by the Yemen Polling Center (YPC) with funding from the European Union through the European Instrument for Democracy and Human Rights (EIDHR) initiative, has as its ultimate goal a strong Parliament serving an informed constituency. Furthermore, the project strives to empower civil society organizations to pursue democratic and human rights, as well as foster an independent, free, and fair press which upholds the highest standards in journalism. Begun in December 2009, YPC will implement the different aspects of the project over a total of 18 months.

A centerpiece of the project includes establishing and sustaining a website (YPWatch.org). The website will be updated regularly with reports and coverage of the Parliament's sessions and a number of opinion polls YPC will conduct to measure public knowledge of the work of Parliament and the role of MPs, women's political rights, electoral rights and electoral reforms, and the rights of freedom of expression and the freedom of the press. The website will also contain a number of guides for MPs, journalists, and civil society organizations outlining their constitutional rights and duties, best practices, and other useful information regarding Yemen's Parliament.



Report on the Yemeni Parliament

Yemen Parliament Watch Project Report on the Yemeni Parliament's Performance December 2009 – April 2010

Prepared by: Yemen Parliament Watch Staff¹

Executive Summary

- **About:** This first of four performance reports on the Yemeni Parliament is part of the Yemen Parliament Watch project, implemented by the Yemen Polling Center with funding from the European Instrument for Democracy and Human Rights.
- **Methodology:** The report is based on events, interviews, results of for sessions of the parliament for the period of December 2009-April 2010, and a self-assessment questionnaire given to several Members of Parliament. Performance is based on Parliament's responsiveness, its legislative capacity, its oversight of the Executive, and its internal governance.
- **Primary Conclusion:** The performance of the Parliament was mixed with both successes and challenges that need to be addressed.
- **Main Events:** In this period 11 new MPs were elected in by-elections and a new Presidium was selected by the Parliament.
- **Parliament's Responsiveness:** The Parliament demonstrated successes and limitations in its responsiveness to citizens. The dominance of one party and the strength of the Presidium were among important factors MPs cited in limiting Parliament's responsiveness. Often, important issues are discussed with few tangible results. Two points of success noted by MPs were Parliamentary reports on land confiscation in Hodeida governorate and the security situation in Abyan governorate. Parliament has been largely absent from the National Dialogue between political parties and the foreign relations of Yemen for many reasons, many of which are beyond its control.

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- **Legislative Capacity:** The Parliament showed a number of limitations in legislative capacities. The Committees, where the bulk of legislative work occurs, face numerous challenges including partisan gridlock, lack of technical staff expertise, and MPs being placed on Committees for which they lack adequate knowledge and background to legislate effectively. Committees vary in the extent to which they consult with civil society organizations, business, and other external actors; largely as a function of the preferences of the Committee chairperson.
- **Oversight of Executive:** The Parliament had successes and faced limitations in the oversight of the Executive. Often Ministers did not respond to the Parliament's requests to question them. Oversight Committees varied in their performance. Oversight of the 2010 Budget Law was limited by the short time provided to the Parliament to review it and their inability to offer amendments.
- **Internal Governance:** The performance of Parliament regarding internal governance is likewise mixed. MPs' self-assessment reflects this. Important issues include the common failure of the Parliament to reach a quorum and for the failure of the Presidium to adhere to all by-laws.
- **Recommendations:** (1) Launch a self-review of the Parliament's internal structures and procedures. (2) Promote the participation of Parliament in the National Dialogue between political parties. (3) Better communicate the Parliament's role and current activities to citizens. (4) Develop an internal mechanism to insure the implementation of Parliament's by-laws. (5) Develop incentives to improve MPs' attendance. (6) Improve the technical and legal resources of the Parliament. (7) Strengthen the resources of Parliamentary caucuses. (8) Improve the internal mechanisms of Parliament's General Secretariat.



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0. Introduction

0.1 The Yemen Parliament Watch Project

The Yemen Parliament Watch project aims at enhancing the capacity of Yemen's Parliament by providing a central hub of informational and training resources for Members of Parliament (MPs), civil society stakeholders, journalists and citizens. The project, implemented by the Yemen Polling Center (YPC) with funding from the European Union through the European Instrument for Democracy and Human Rights (EIDHR), has as its ultimate goal the strengthening of the Parliament and the development of its links to Yemen's citizenry. Furthermore, the project strives to empower civil society organizations to strengthen democratic and human rights with a focus on women's political rights and participation, electoral rights and reforms, and fostering an independent, free, and fair press, which upholds the highest standards in journalism. Started in December 2009, the different components of the project will be implemented over a total of 18 months. Besides establishing and sustaining a website on the Yemeni Parliament (YPWatch.org), the Yemen Parliament Watch project also includes the implementation of several workshops for members of civil society organizations and journalists of various media (newspapers, radio, and TV). These workshops aspire to strengthen the capacities of civil society organizations in lobbying Parliamentarians on issues pertaining to democracy and human rights, and to

enhance the capacities of journalists in monitoring and reporting on the work of Parliament.

0.2 The Performance Report

This report is the first of four special reports YPW will publish throughout the duration of the project on the performance and work of the Parliament. The reports aim to increase public knowledge of the work of Parliament and Parliamentarians and analyze the Parliament's activities. They are intended to provide the public as well as the relevant stakeholders (MPs, media, and civil society) with a summary of the most recent activities by Parliament. They will serve also as a reference for journalists in monitoring and reporting about the work of Parliament and informing citizens. These reports therefore will enhance the level of public knowledge in regard to the work of Parliament, the performance of MPs, and ultimately the role of Parliament in Yemeni politics.

Each report will be available to the public on the Yemen Parliament Watch website (YPWatch.org) and will also be circulated in hard copies to MPs, media organizations, and active civil society organizations.



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0.3 Framework and Methodology of the Report

Whereas subsequent Performance Reports will cover 4 month periods, this report covers the first five months of the YPW project, from December 2009 to April 2010. Any facts, events, references to legislation, amendments, governmental memos referred to or opinions expressed are extracted from the minutes of the Parliamentary sessions, a questionnaire filled out by MPs, reports issued by Parliamentary

Committees, and YPWatch session reports as objectively reported by the YPW team.

The Parliament's performance will be primarily assessed in light of its responsiveness, legislative capacities, oversight of the Executive, and internal capacities.

The analysis of Parliament's activities are based on the answers of a representative group of Members of the Parliament to a self-assessment questionnaire², developed based upon the "self-assessment toolkit" of the Inter-Parliamentary Union (IPU)³. The questionnaire was drawn from the basic assumptions and principles of democratic parliaments referring to universal values, and derived from what parliaments themselves see as good examples of democratic practice.

² Available at YPWatch.org

³ <http://www.ipu.org>

As an active member of the Inter-Parliamentary Union, the Yemeni Parliament recognises its values, principles and objectives, and contributes to its work.

0.4 Main Events

The elections of the Parliament's Presidium took place on Monday, February 22. Six MPs were candidates for Speaker of Parliament but two withdrew prior to the vote. The four remaining candidates were: Yahya Al-Ra'ae, Abdulaziz Jubari, Jabal

Name	Const. Number	Governorate	Party
Mahdi Ali Abdulsallam Abdullah	25	Aden	GPC
SuhaibHamoud Khalid al-Sofi	37	Taiz	GPC
Fouad Obeid Saeed Waaked	145	Hadhramout	GPC
Abdulaziz Abdulwahed al-Wahedi	187	Hodeidah	GPC
Sadeq Ali Yahya Abo Yabess	196	Dhamar	GPC
Ibrahim Ahmed Sagheer al-Mazallm	223	Raimah	GPC
Yahya Yahya al-Qadhi	234	Sana'a	GPC
Ahmed Mohamed Yahya Qabwa	272	Al-Jawf	GPC
Hashim Abdullah Hussein al-Ahmar	283	Amran	Ind.
Abdulhameed Ahmed Ali Hareez	296	Al-Dala	GPC
Amr Saleh Hindi Daghshan	270	Sa'adah	GPC

Duaiman and Mohamed Mansour Al-Bakri. Before casting ballots, Jabal Duaiman and Mohamed Mansour withdrew their nominations.

A committee for counting the MPs votes was formed after casting ballots. Out of 215 ballot papers received by the balloting committee, 198 valid and 17 invalid votes resulted from the counting operation. From the 198 valid votes, Yahya Al-Ra'ae collected 148 votes and Abdulaziz Jubari 55 votes. Since neither of the two candidates reached the necessary vote threshold (152 votes), a second voting



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round took place. Al-Ra'ae received 164 out of the 172 valid votes and Abdulaziz Jubari⁴ received 8 votes. Yahya Al-Ra'ae was therefore declared the winner of the vote.

To occupy the other posts of the Presidium (three deputy speaker), many MPs were nominated for the posts, and many of them withdrew their nomination for the Presidium before the balloting except for four candidates. These were Hamyer Al-Ahmar, Mohamed Al-Shadadi, Akram Ateyah and Ali Saleh Qasha. Hamyer Al-Ahmar received 187 votes, Mohamed Al-Shadadi received 161 votes, Akram Ateyah received 155 votes and Ali Saleh Qasha received 13 votes. The first three were declared the winners.

In March 2010, President Ali Abdallah Saleh announced an upcoming constitutional reform in the form of a letter sent to the Parliament. One of the main elements, as outlined by the letter, would be the evolution of the Yemeni parliamentary democracy into a genuine bicameral system with the Shoura Council evolving to become a higher chamber and part of its membership popularly elected. The Parliament, however, still had not received the letter as of the final day covered in this report, 30 April 2010.

⁴ Parliamentary observers noted that Jubari withdrew before the second voting round.

I. Parliament's Responsiveness

1.1 Effectiveness and Responsiveness of the Parliament as a Forum for Debate on Questions of Public Concern

According to a study by the Yemen Polling Center published in March 2010⁵, 64,3 percent of the Yemeni population considers the Parliament to be important for Yemen. For 42,3 percent of the respondents, the main reason for the Parliament's importance is its role in addressing issues of public concern. While 30,3% of the respondents perceive the Parliament to always perform its legislative role (27,5% "sometimes", 13,4% "never" and 28,8% "do not know"), 46,9% of the respondents declared, however, that they are not satisfied with the performance of the current Parliament (16,2% "satisfied", 24,9% "somewhat satisfied" and 11,8% "do not know").

To a certain extent, this can be explained by a major lack of knowledge of the current Parliament's work among the citizenry (54,1% declared not knowing what the main issues currently being discussed in the chamber are) as well as of not understanding Parliament's primary function (32,4% of respondents believe that MPs main function is to provide services to the people).

The study also underlines a deep gap between citizens' expectations in terms

⁵ « *What do Yemeni know about the Parliament? Public knowledge and awareness* » March 2010, http://yemenpolling.com/ypwac/pages.php?p_id=973&lng=en (accessed 5 June 2010)



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of Parliament's responsiveness and the actual Parliament's work. Almost 40% of respondents considered the improvement of living conditions and job opportunities, as well as the control of prices as being the most important issue the Parliament should address. The respondents, however, did not quote those issues as currently being addressed within the Parliament. The overall assessment of the Yemeni Parliament's responsiveness and

structure (the Presidium), does not always allow the Parliament to react efficiently to some issues of immediate concern to citizens. Such issues are often raised and debated, but rarely followed by tangible results in terms of legislation or appeals to the Executive. As an exception to this negative assessment, MPs of all political affiliations referred to good Parliamentary works, such as the Abyan and Hodeidah reports⁶.

Table 2 : Temporary Committees

	The Subject of the Report	The Committee	Date	The Results
1	Report about the plan of the Parliament for the next two years.	Committee formed by the Presidium and the heads of the Parliamentary blocs.	04/06/2010	The Parliament did not discuss the report
2	The report of the Fact-Finding Committee of Abyan Governorate.	The committee was assigned by the Parliament.	02/09/2010	The Parliament reviewed the report but did not discuss it.
3	The report of the Fact-Finding Committee of Lahj Governorate.	The committee was assigned by the Parliament.	02/09/2010	The Parliament reviewed the report but did not discuss it.
4	The report of the Fact-Finding Committee about the compensation to residents for land acquired for the construction of Taiz airport.	The committee was assigned by the Parliament.	04/03/2010	The Parliament discussed the report and obliged the Governor of Taiz to pay the rest of the compensation within 4 months
5	The report of the Fact-Finding Committee regarding the Hodeidah land looting issue.	The committee was assigned by the Parliament.	15-04-2010	The Parliament reviewed the report but did not discuss it.
6	The report of the committee regarding the high currency exchange rate.	The committee was assigned by the Parliament.	04/10/2010	The Parliament reviewed the report but did not discuss it.

effectiveness is very mixed among MPs themselves, across all political affiliations. According to interviews of MPs, the existence of an overwhelming Parliamentary majority, added to a very strong leadership

⁶ Pertaining to the security incidents in Abyan Governorate and the land problems in Hodeidah Governorate, respectively.



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- *The report over security troubles in Abyan governorate*

On December 27, 2009, the Parliament formed a Fact-finding Committee composed of 13 MPs and 6 other staff members, supervised by Deputy Speaker Hamyar Al-Ahmar. The purpose of the Committee was to produce a report on security troubles in Abyan and Lahj Governorates in the general context of unrest attributed to the “Southern Movement”. Mohammed Yahya al-Haweri was elected Chairman of the Committee on its first meeting on 30 December. The Committee travelled to Aden on 1 January 2010 and presented its report on 7 February. On 8 February, the Committee was asked to produce a complementary report on the lack of security in Huta city in the Lahj governorate, report presented on 12 February.

This report is transparent and objective in its discussion of the security situation in Abyan governorate and in addressing the use of air raids and assassinations that have occurred in the governorate recently. Many innocent citizens were killed in these events. This Report reflects the responsibility and the seriousness of the Parliament to exercise its oversight role and realizing the citizens' general situation in order to find suitable solutions to reduce these issues on all levels, especially concerns related to

security. The report also reflects the Parliament's role in directing the government to develop the poor and affected areas by providing them with necessary services. Developing these areas contributes to strengthening the capacity and the presence of the state and its executive and judicial bodies in these and other areas of Yemen

- *The report on land confiscations in Hudeidah governorate*

On March 3, 2010, the Parliament formed a Fact-Finding Committee of 7 MPs and 3 staff members on problems over land confiscation in Hudeidah governorate. MP Senan Al-Ajj was elected chairman and MP Mofadhel Ismael as rapporteur. The Committee travelled from 12 to 18 March to Hudeidah and met the governor, members of the chamber of commerce, land authority officials, airport officials, Hodeida's attorney general, appeals judges and various local officials. It also met with citizens in Teheta and Zabeed districts and collected complaints. The report was presented on 5 April 2010.

This report is one of the most serious regulatory reports authored by a Parliamentary Committee. In the process of its creation many violations against the citizens were discovered, particularly with regard to the looting and theft of their land and properties in al-Hudeidah governorate and numerous other governorates in



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Yemen.

The report also brings to light a number of activities that affect the social peace, the principles of the equal citizenship and respect for the human rights. These violations are committed with the full knowledge of the judicial and executive authorities and the other state's authorities.

This report indicates strong Parliamentary oversight of the government in order to enhance the state's respect and the impartial and independent judicial role in realizing the people's legislated rights and personal property. The Parliament's oversight also reinforces and holds accountable those who are accused of using their powers illegally to loot the citizens' lands.

1.2 Adequacy of the Parliamentary Work in Fostering Political Dialogue

The general political context in Yemen, and especially the launching of a "National Dialogue" between all political parties at the end of 2009, should theoretically be giving the Parliament, as a natural forum for political expression, an essential role in fostering political dialogue and compromises. The Parliament appears to have stayed largely outside the National Dialogue process thus far, however. Two factors were very often quoted by MPs to explain this. First, the political leadership exists primarily outside of the Parliament, shifting the political decision to other political

structures and institutions. Secondly, MPs adhere very closely to the views of their political parties, without trying to review these positions in order to bring their goals to fruition them within the Parliamentary work.

The political caucuses, a very important tool to that end, are often lacking human or material resources and are therefore not strong enough to allow a process of "Parliamentarization" of political strategies.

1.3 Effectiveness of the Parliament in Regional and Global Issues

Between December 2009 and April 2010, Yemen was subject to very strong interest among the international community. International conferences and meetings on the situation in the country and the support the international community plans to provide were held in London, Riyadh and The Hague. Asked about the role the Yemeni Parliament played during this process, most of the MPs deplored the complete lack of involvement of the Parliament. This was exacerbated by the incapacity of the Parliament to get the government to provide members with genuine debriefings over international meetings.



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II. Parliament's Legislative Capacity

2.1 Effectiveness of the Main Committees Regarding Draft Legislation

While some members assessed the Parliamentary work in Committees as having been “generally of good quality” over the five months period, three main hindrances to even better work were listed.

First, the difficulty in reaching compromises between Parliamentary blocs was one challenge identified. At the very end of the Hodeidah report process for example, GPC members of the Special Committee added last minute amendments in order to delete names of people who were listed as having confiscated land. Those amendments were not discussed with the opposition members in the Committee, according to comments by members of the opposition. This was not enough to block the Committee's decision to bring the report before the plenary session for discussion, however. The report was presented in time, but affected the support of the opposition for the text.

Secondly, the Committees consistently lack adequate technical capacities and support. This was particularly clear when the draft budget law was under consideration. The Budget Committee did not have the human resources to soundly review economic figures and trends. The hiring of well-trained staff for the Parliamentary Committees, as well as the use of experts and consultants when necessary, could allow a greater level of expertise and thus, better scrutiny and amendments to the analysis and drafting of laws.



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Table 1: The Permanent Committees

	The Subject of the Report	The Committee	Date	The Results
1	Report about the visit to the cement factories	Commerce and Industry Committee	23-02-2010	Report sent back to Committee further study and reporting
2	Report about the visit to al-Baida governorate to investigate the construction location of al-Baida University, the Faculty of Education in al-Baida, Radaa and Khawlan and the Faculties of Art and Science in Khawlan and Aden University.	Higher Education and Youth Committee	27-02-2010	Parliament approved recommendations of report; Dep. Minister of Higher Education vowed to heed the recommendations
3	Report about the International Convention for the Suppression of the Financing of Terrorism	Foreign and Expatriate Affairs & Constitution Committee	29-12-2009	Parliament approved the convention; reservations to three paragraphs were voiced.
4	Report about the amendments to the Act of Pleading and the Condemnation Actions.	Justice and Endowment Committee	15-12-2009	The Report has not been discussed.
5	The Parliament discussed the amendments of the law No (40) for the Year 2002 regarding the Pleading and the Condemnation Actions.	Justice and Endowment Committee	22-12-2009	Parliament approved some amendments and deleted one article. Parliament called the Committee to rewrite the law according to these amendments.
6	The Parliament discussed the articles of the draft laws for Combating Money Laundering and the Financing of Terrorism according to the report of the related Committee.	Finance Committee	29-12-2009	Voted and approved by the majority
7	The opinion of the related Committee about whether it is right for the Parliament to consider the alternative law for civil society organizations and NGOs.	Constitution Committee.	16-02-2010	Voted for and sent to Labor Force and Social Affairs Committee .
8	The opinion of the related Committee about whether it is right for the Parliament to consider the alternative draft of a law about organizing private education institutions.	Constitution Committee	16-02-2010	Sent to the Education Committee.
9	The Report of the joint committee about modifying Paragraph (b) of the article (123) of the Local Authority Law.	Higher Education and Youth Committee, Agriculture and Fishery Committee and Services Committee.	23-03-2010	Sent back to the related committee for further study.
10	The Parliament listened to a report about the Law of Documentation.	Justice and Endowment Committee.	29-03-2010	The Parliament reviewed the report but did not discuss it.
11	The report of Water and Environment Committee about its visit to Taiz and Ibb governorates.	Water and Environment Committee	04-04-2010	The Parliament reviewed the report but did not discuss it.
12	The report of the visit to Dhamar University to investigate the situation of the Pharmacy Department.	Higher Education and Youth Committee	28-02-2010	The Parliament reviewed the report but did not discuss it.
13	The Parliament reviewed the draft law about tribal arbitration according to the report from the related Committee.	Justice and Endowment Committee.	23-03-2010	The Parliament reviewed the report but did not discuss it.



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Thirdly, the dearth of qualifications of members of key Committees is a problematic issue raised by MPs. While some Committees enjoy the membership of well qualified MPs, such as medical doctors on the Health Committee or teachers on the Education Committee, but many members are still chosen according to their political affiliation and do not add value to the Committee's work.

2.2 Consultation of Relevant Groups and Interests during the Legislative Process

There seem to be strong differences between Committees in terms of consulting relevant groups and interests in the course of the legislative process. The extent to which this occurred depended on the personalities of the chairmen and rapporteurs, as well as on the strength of bloc leaders within Committees, according to the MPs' self-assessment.

A general trend over the five months period was that the 'institutionalized' interests (chamber of commerce, representative of business) were regularly consulted, both orally and through written procedures, but civil society organizations were rarely involved in genuine consultations.

2.3 Quality of the Legislation (i.e.: clear, concise, intelligible)

In general, legal texts are considered to be of good quality. This is the case, for instance, with the Right to Obtain Information draft law, currently being discussed in the Parliament. The

quality of some of the laws voted on over the period were, however, perceived to be quite poor. One such example is the Minimum Marriage Age Law, which is pending the decision of the Islamic Shariah Committee. MPs often declared that, even when a law is of good quality in itself, implementing regulations often distort or even contradict the text or spirit of the law.

As a general statement among MPs, the poor quality of legislation was often imputed to the lack of assessment of previous legislation and to the short time to review draft laws.

III. Parliamentary Oversight of the Executive

3.1. Respect of the Procedures of Questioning and Securing Information from the Executive

Members of the Yemeni Parliament commonly complain about the difficulties in getting information or answers from the Executive. MPs complain particularly that Ministers do not respond to Parliament's request to attend Parliamentary sessions. For example, the Foreign Minister and the Minister of the Interior were summoned by the Parliament in order to present the situation regarding Iran's alleged financing of the Houthi rebels in the Sa'ada war and security issues in the southern governorates, but did not attend the meetings.

In a very symbolic move, on 14 April, the Parliament adjourned its session to



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protest against the absence of Ministers at its session concerning the security issues in the southern governorates.

Later, the Parliament held two extraordinary sessions⁷ with the Minister of Local Administration and a representative of the Minister of Interior. The Speaker of the Parliament decided, however, that a special session had to be held with the Ministers of Interior, Defense and the Deputy Prime Minister for Security and Defense Affairs to discuss the issues. The issues are still ongoing.

Notwithstanding the general difficulties MPs have in securing information from the Executive, the Yemeni Parliament had some successes over the last four months in convoking officials and forcing them to inform the Parliament regarding some topical subjects, or even forcing the Executive to deal with them in a certain way. Receiving, for instance, numerous citizens' complaints against

allocate fair compensation within 4 months.

More generally, if some members often attributed the responsibility for inefficient Parliamentary oversight to the reluctance of the Executive, which they say considers the Parliament as an adversary, some other MPs also suggested that the Parliament itself, and the MPs, also often lack the will to efficiently control the Executive. Numerous MPs consider themselves merely as state employees and are therefore not ready to deeply question the Executive. Furthermore, the lack of independence of the Parliament's leadership toward the Executive is not helping to improve the situation.

Nonetheless, over the four months covered by the report, the MPs asked 26 written questions of the Executive, while officials answered 27 Parliamentary questions (see table for distribution by caucus). Even if the

Table 1 : Written Parliamentary Questions (December 2009 – April 2010)

Number of Questions	Submitted by
19	General People's Congress Party
3	Yemeni Congregation for Reform Party.
2	Yemeni Socialist Party
1	Independent

the way the Tai'z governorate dealt with financial compensation after land confiscations during the expansion of Ta'iz airport, the Parliament convoked Ta'iz governor on 3 April, obliged him to explain his policy and forced him to

questions answered are not the questions asked over the same period – due to delay in preparing answers – this shows a certain equilibrium in the information exchange between the legislative and the executive powers.

⁷ An Extraordinary Session is held when there is either a topic of high priority that must be addressed when the Parliament is not in session or when the Parliament decides to extend the length of its ordinary session. The reference above is to an extended ordinary session.



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3.2. Effectiveness of Permanent Committees' Work in Oversight

The genuine technical oversight is, however, done not through questions, but takes place within Permanent Committees. The assessment of these Committees' oversight quality varies greatly from one Committee to another. Some of them were considered as good performers by MPs, such as the Development and Oil Committee, the Social Affairs Committee or the Services Committee. Some others were almost nonexistent in terms of oversight, such as the Foreign Affairs Committee and the Freedoms and Human Rights Committee. The cause of this problem was often imputed by the MPs interviewed to the designation process for the posts of committee chairpersons or rapporteurs, since they are not chosen according to their expertise, but largely due to tribal and/or political affiliation.

3.3. Quality of Parliamentary Scrutiny of the National Budget and Finances

The approval of the budget law for the year 2010 took place in December 2009. The Budget Law was very often quoted by MPs as an example of the at times very poor quality of legislation. In fact, the Budget Law was discussed – like every year - over a very short period. For the 2010 budget, the Parliament only reviewed the Budget Law for two weeks.

The budget draft law was presented to

the Parliament on Saturday, December 12. During this session, the Parliament formed a Permanent Committee consisting of the Finance Committee and the Chairpersons of all the Permanent Committees to study the budget draft law. The Special Committee presented a report on 23 December and formulated its recommendations on 26 December. The same day, in the presence of the Deputy Prime Minister for Economic Affairs, the Minister for Planning and International Cooperation and a number of other government officials, the report and recommendations were sharply debated by MPs. Nonetheless, the budget draft law was approved by 192 MPs out of 200 present.

According to the Constitution, the Parliament does not have a very important role in budgetary decisions. Parliament only has the power to accept or reject the government proposal as a whole. Furthermore, its recommendations within budget reports are non-binding for the Executive.

Numerous MPs therefore feel that the Executive is responsible for the worsening economic situation in the country (i.e. the depreciation of the Yemeni Rial).



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3.4. Parliament's Practical Autonomy from the Executive

In general, the Parliament is considered by the MPs to have full autonomy in controlling its own budget, staff and committee work. This is, however, not the case for the Parliament's agenda, in which the government requests generally have priority. This is strengthened by the fact that the Parliament and its Committees are often not able to agree on an agenda at all, or do not pursue the agenda they agreed on previously. This is considered by the MPs interviewed to facilitate stronger executive influence over the Parliament's agenda.

IV. Parliament's Internal Structure and Procedures

4.1 Respect of the Legal Framework, Rules, and Procedures

MPs were divided on the question of whether the internal rules and procedures of Parliament were followed. An overall assessment suggests that the rules and procedures for drafting laws were respected most of the time, but that some draft laws, such as the Obtaining Information Draft Law (currently being debated) or the Chemical Draft Law (the Parliament refused to submit it to one of its Committees on 23 March) were clear examples that the Parliament is not sticking to the rules and procedures or considering concurrent initiatives of MPs.

Some MPs also referred to violations of the Constitution or to the Parliament's By-laws in the course of the legislative process. The most common violation quoted by MPs is the lack of respect for the quorum rule to hold some Parliament's sessions.

4.2 Quality of In-house Administrative, Legal and Technical Support and Research

The lack of genuine legal and technical support to the Committees and individual MPs, as well as the lack of material and technology, was often mentioned as one of the main hindrances to sound Parliamentary work – not only for the period December 2009 to April 2010. Even when there is sufficient staff, for instance in some Committees, the officials are often declared to be not well-trained or specialized in the Committee's field of work in order to provide in-depth support to the MPs.

4.3 Respect of Parliamentary Opposition and Minority Parties' Rights

The Parliament's internal legal framework is presented, even from opposition members, as sufficiently protective of the rights of the opposition. The problem, however, seems to lie with the implementation of the rules by the Parliament's Presidium. For instance, an article in the Parliament's by-law states the right of each Parliamentary bloc to have offices, but this article has never been implemented despite repeated demands by MPs.



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More generally, MPs are treated differently by the Presidium according to their political affiliation and power. The chairman is said to hardly consider a member of a small bloc or an independent MP during sessions, and his/her proposals will not be discussed. For example, when Mohamed al-Azmi (Islah) proposed a draft law on microfinance for small families (often referred to by MPs as being a good initiative), the Constitutional Committee, which is always consulted at first in order to determine whether a draft law should be discussed by the Parliament or not, simply rejected the proposal. The Islah member of the Constitutional Committee was purposely not consulted before taking the decision of rejection. He therefore strongly objected to the rejection during a plenary session on 5 April. The Parliament decided the same day to refer the draft law to the Social Affairs Committee for a second full review.

4.4 Respect of MP's Freedom of Expression and Legal Immunity

The strongest interferences in the MPs' freedom of expression were not declared by the MPs interviewed as coming from the Executive itself, but from the Parliament's Presidium – which is close to the executive power. Often, opposition members were refused the right to speak, or could speak, but were not granted any answers to questions, or the topic of discussion was changed before any answer was given.

For example, during a session on 5 April 2010, the Parliament's speaker refused at first to grant Abdul Kareem

Shaiban (Islah) the right to speak. Following the MP's insistence, the Speaker called on the Parliament's guards to remove the MP from the Parliament's facilities. Other members of the Parliament intervened to prevent such action. During the following session, the Speaker publicly apologized to Abdul Kareem Shaiban MP.

V. Conclusion and Recommendations

5.1 Main Deficiencies over the 5 Month Period

Some deficiencies were to be noted in the Parliamentary work over the five months analysed in this report.

One of the factors affecting the work of the Parliament is the irregular implementation of its internal rules and procedures. For instance, at times the Parliament failed to adhere to the quorum rule. The quorum rule states that a majority (151) of MPs must be present for any decision to be considered valid. On numerous occasions, Parliamentary sessions were held without a quorum. Although there is no evidence of a major decision being made by the Parliament that could be questioned due to disrespect for this rule, it might be the case in the future and could potentially lead to major institutional gridlock. The regular violation by the Presidium of internal rules concerning the opposition's rights is of concern. Particularly, the Presidium at times failed to allow opposition members to



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speak during Parliamentary sessions and to see individual proposals discussed in plenary sessions and Committees.

Technical hindrances to better Parliamentary work are a second deficiency facing the Parliament. The short time to work on a draft law, the lack of technical and legal support to the Committees, the lack of personal staff and capacities within MPs' offices as well as the lack of research capacities inside the Parliament were factors often at the center of the low-quality legislation voted on during the five month period. The absence of an agenda, or the lack of respect of the agenda previously agreed on, often prevented MPs or staff from properly preparing for sessions.

Further, the lack of capacities among caucuses, and especially the non-implementation of the by-law stipulations giving each caucus offices and technical facilities (IT, communications, etc.) hindered a strong contribution from caucuses to Parliamentary work. Furthermore, to a certain extent, these limitations also acted as a barrier for the Parliament in the national political process. The very rich political context of the five month period of analysis underlines the low participation of the Parliament as an institution in the overall national political agenda. Be it during the National Dialogue process or concerning the international agenda dealing with Yemen, the Parliament as a whole, and the MPs individually, were rarely given a significant role.

5.1 Positive Developments Over the Five month Period

Some developments over the period covered by this performance report were quite positive. The Parliament's ability to react quickly and efficiently on two issues of citizens' interest - in the case of the Abyan and the Hodeida reports - was particularly noteworthy. During the two processes respectively, the Parliament successfully raised an issue of immediate concern to citizens and created special Fact-finding Committees to search for the related events' contexts, and to produce a sound and balanced report. If the Parliament, and especially its responsible Committees, implement the recommendations expressed in these reports, these two cases will indicate very positive developments.

In a similar manner, the amount of questions asked by Parliamentarians of the Executive, as well as the growing internal debates among MPs over their rights and duties as MPs show an interesting trend about MPs' commitment to their work. This positive trend would be strengthened if a commonly discussed proposal to create a Committee on Parliamentary Activities were implemented and this Committee produced a report with recommendations for internal reform.

As the electoral system and the constitutional reforms are being discussed, the Parliament, even without being formally involved in these processes, could contribute to the strengthening of the institution with a general review of its own structures, rules and procedures. A report could be ideally presented before the next Parliamentary elections and



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implemented, in the case of reform proposals, with the new legislature.

5.3 Short- and medium-term recommendations

1. Launch a self-review of the Parliament's internal structures and procedures according to Yemeni needs and international parliamentary standards (creation of a special Parliamentary Committee and publication of a Parliamentary report before the next elections)
2. Promote the participation of Parliament in the National Dialogue – especially regarding the electoral and constitutional reforms
3. Better communicate the Parliament's role and current activities to citizens
4. Develop an internal mechanism to control the proper implementation of Parliament's by-laws
5. Develop incentives to improve MPs' attendance
6. Improve the technical and legal assistance to Committees and individual MPs; create a legal service, a library and an in-house research unit; develop staff's in-house training
7. Strengthen the resources of Parliamentary caucuses; implement Parliament's rules over caucuses' facilities
8. Improve the General Secretariat's internal mechanisms (e.g. clear rules and transparency over MPs' financial donation)

Yemen Polling Center

The Yemen Polling Center (YPC) is an independent non-governmental organization, which was established in 2004 and received its registration certificate No. 147 from the Ministry of Social Affairs & Labor in December 2005.

It is the first and only polling center in Yemen, providing the highest quality in survey research. YPC designs and performs opinion polls, scientific research studies, and surveys that serve the research needs of national and international institutions and non-profit organizations, corporations, government agencies, and professional associations.

YPC conducts public attitude surveys, focus groups, demographic studies and market research for development projects, publications, business groups, banks etc. YPC was founded by a group of dedicated professional journalists, academics, researchers and volunteers, who are ambitious to bring about progressive change in Yemen.

YPC has a dedicated, well-experienced and qualified team comprising 13 full-time staff members. In addition, the Center cooperates with dozens of experts, consultants and university professors when need be.

Out of the over 700 field researchers we trained and examined, YPC had selected about 300 enumerators throughout the country for its field research, fifty per cent of whom are female. YPC is proud to have the most professional field staff in Yemen, all of whom have been carefully selected through precise tests and they have broad experience in field work as well as in the nature of their respective Yemeni governorates.

Our experience as well as our personnel and technical resources allow us to conduct surveys of any size and of any group, while maintaining data quality and providing cost effective studies.



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